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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,544	11/21/2000	Arthur K. Farnsworth	COMP:0132/van P00-3180	1686

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EXAMINER

WALSH, JOHN B

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,544

Applicant(s)

FARNSWORTH ET AL.

Examiner

John B. Walsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-15,17-19 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15,17-19 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Appeal Brief

1. In view of the Appeal Brief filed on June 24, 2003, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the first position". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4-14, 17-19, 25, 26 and 27 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,754,396 to Felcman et al.

Felcman et al. '396 disclose a chassis (30); an access panel (18); a first and second latch member (figure 1; 38); a catch member (interior 36); a first and second operator (figure 1; exterior 36).

As concerns claims 2, the latch member includes a first engaging portion (top portion of 38) and a first securing portion (underside of 38); the catch member includes a second engaging portion (bottom surface portion of 36) and a second securing portion (portion above second engaging portion that engages the first securing portion).

As concerns claim 4, the first engaging portion slidingly engages the second engaging portion and displaces the catch member from the first position (36 will slidingly engage 38; the catch member 36 will displace towards 22).

As concerns claim 5, at the closed position the first and second engaging portions are no longer in sliding engagement and the catch member is biased back to the first position (36 will slide back into the first position when the engaging portions are no longer in contact and the securing portions will then be in contact).

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As concerns claim 6, the second securing portion is disposed over the first securing portion when the catch member is in the first position (figure 1; the second securing portion is disposed over the first securing portion when in a first position (when 36 is at the right in figure 1).

As concerns claims 7 and 18, the first and second securing portions are flat (figure 1).

As concerns claims 8 and 17, the first and second engaging portions are angled (bottom portion of 36 is angled; 38 is angled in relation to 18).

As concerns claim 9, the latch member is released from the catch member by displacing the catch member (when exterior 36 is moved to the right in figure 1 the latch member will be released).

As concerns claim 10, the catch member is spring biased (catch is releasably engaged; therefore inherently has a spring bias).

As concerns claim 11, a third engaging portion (right bottom portion of 36) and a third securing portion (portion above the third engaging portion). As concerns the limitation "adapted to", it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

As concerns claim 12, the first and second engaging portions are configured for sliding engagement (portions are configured such that they may slide into engagement when 30 is pivoted downward).

As concerns claim 13, the first and second securing portions are configured for abutment (when 30 is pivoted downward the portions will abut).

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As concerns claim 14, the access panel is pivoted about a first end to dispose the access panel on the chassis (figure 1; if the user holds 30 fixed and then pivots 18 towards 30).

As concerns claim 19, a first latch (interior 36); a second latch (interior 36 on other side); a securing member (38) comprising a first surface (top surface of 38), a second surface (underside of 38), a third surface (top surface of opposite side 38) and a fourth surface (underside of opposite side 38).

As concerns claim 25, providing a plurality of catch members (interior 36); providing a plurality of manual operators (exterior 36) securable to the catch members through an opening (figure 1; opening for 36) in the chassis (30); providing a chassis (30) having a first and second openings (figure 1; openings for 36); securing one of the plurality of catch members to one of the plurality of manual operators (figure 1) through a first opening; securing a second of the plurality of catch members to a second one of the plurality of manual operators through a second opening (figure 1).

As concerns claim 26, disposing a biasing member (column 4, lines 37-43; catch members are inherently biased so as to be releasably engaging with the tab) within each of the catch members.

As concerns claim 27, aligning each of the catch members with a guide rail (38) adapted to extend into each catch member.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,754,396 to Felcman et al. as applied to claim 1 above in view of U.S. Patent No. 2,878,389 to Raffman.

Felcman et al. '396 do not disclose a spring to bias the access panel to an open position.

Raffman '389 teaches a spring (94) to bias an access panel to an open position.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Felcman et al. '396 with a spring, as taught by Raffman '389, in order to provide a means for distancing the panel from the chassis when unlatched making it easier for the user to grasp and continue to open the panel.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 2, 4-15, 17-19 and 25-27 have been considered but are moot in view of the new ground(s) of rejection.

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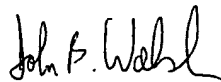
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 703-305-0444. The examiner can normally be reached on Monday-Friday from 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9325.



John B. Walsh
Patent Examiner
Technology Center 3670